



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

H1)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,280	01/30/2002	Terumi Matsuda	2091-0249P	2656

⁷⁵⁹⁰
BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
Falls Church, VA 22040-0747

EXAMINER

THEIN, MARIA TERESA T

ART UNIT	PAPER NUMBER
----------	--------------

3627

MAIL DATE	DELIVERY MODE
-----------	---------------

06/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/058,280

Applicant(s)

MATSUDA ET AL.

Examiner

Marissa Thein

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Response to Amendment

Applicants' "Amendment Under 37 CFR § 1.111" filed on March 19, 2007 has been considered.

Applicants' response by virtue of amendment to claims 20-21 has overcome the Examiner's rejection under 35 USC §101.

Claims 20-21 are amended. Claims 1-25 remain pending in this application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-19 and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,573,927 to Parulski et al. in view of U.S. Patent No. 7,069,237 to Tate.

Regarding claims 1, 10-11, 13 and 16-17, Parulski discloses an order reception server enabling reception of order information regarding image data via a network and installed respectively in a photograph processing agency having a photographic printer for printing the image data (service provider ref. 14; Figure 1B; col. 2, lines 55-56; col. 3, lines 3-9); and an order terminal directly connectable via the network to the order reception server in the photograph processing agency, the order terminal generating the

Art Unit: 3627

order information and placing an order for a print of the image data by directly transferring the order information to a corresponding one of the order reception server installed in one of the photograph processing agency after directly accessing the order reception server of the specific photograph processing agency (Digital Camera ref. 12, Figure 1A; col. 3, lines 3-11; col. 3, lines 30-44). Furthermore, Parulski discloses an order terminal (kiosk, ref. 16, Figure 1B) installed in a photographic processing agency, the photographic processing agency having a photographic printer for outputting image data as a print, the order terminal being directly connectable via a network to an order reception server in photographic agency, the order reception servers enabling reception of order printing system install in a photographic processing agency (**claim 17**) (col. 2, lines 53-56; col. 2, line 65 – col. 3, line 3; col. 3, line 67 – col. 4, line 3;). Parulski discloses a charge of the print (col. 3, lines 64-67); and the order terminal is directly connectable via the network to the order reception server, rather than via an order reception center (**claims 23-24**) (Figure 1A and Figure 1B; col. 2, lines 53-col. 3, line 3).

However, Parulski does not explicitly disclose a plurality of photograph processing agencies and a plurality of reception servers; time of delivery; and status of printing. Parulski does disclose a digital camera which incorporates or be connected to a wired or wireless modem such as the communication interface. The print order information and the image information needed to fulfill the print order would be transmitted to the service provider along with the account information through the communication network. (Col. 4, lines 9-16) The user can specify the names of

Art Unit: 3627

downstream service providers (col. 3, lines 7-9). The service providers include a computer and printer (Figure 1B, ref. 14).

Tate, on the other hand, teaches the plurality of photograph processing agencies and a plurality of reception servers (numerous service providers, col. 4, lines 58-62; col. 3, line 67 – col. 4, line 2). Furthermore, Tate teaches time of delivery; and status of printing (col. 5, lines 17-20; col. 6, lines 28-37; col. 6, lines 64-67) (**claims 10-11 and 16**).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system and terminal of Parulski, to include plurality of photograph processing agencies and a plurality of reception servers; and time of delivery and status of printing, in order to operate at different locations (Parulski, col. 4, lines 66-67) and in order to display to the customer the current status history for review and possible action (Parulski, col. 6, lines 35-37).

Regarding claims 2 and 18, Parulski discloses the order information is generated and transferred by a program installed in the order terminal (col. 3, lines 5-24; col. 4, lines 20-23).

Regarding claims 3-5, 14 and 19, Parulski discloses a program is recorded in a recording medium (disc), the recording medium further recorded with access information used for accessing the order reception server of the specific photograph processing agency, and the order terminal reads the access information from the recording medium; the photograph processing agency have recording means for recording the access information in the recording medium; and wherein the access

Art Unit: 3627

information used for accessing the order reception server of the specific photograph processing agency is recorded in a recording medium and the order terminal reads the access information from the recording medium (col. 3, lines 5-67).

Regarding claims 6-9, 12, and 15, Parulski discloses wherein the access information used for accessing the order reception server of the agency is printed on a printing medium and the order terminal reads the access information from the printing medium (col. 3, lines 60-col. 4, line 3); wherein the access information is obtained a predetermine Web server and the order terminal access the order reception server (col. 4, line 61-col. 5, line 15); wherein information used for accessing the order reception server of the specific agency and obtains photographic processing agency information regarding the specific photograph processing agency (col. 3, lines 5-11; col. 3, lines 25-44; col. 4, lines 17-27); attachment information output means for printing attachment information to be attached to the print (col. 3, lines 5-24; col. 4, lines 17-28); and access information for directly accessing an order reception server installed in a photograph processing agency (col. 3, lines 5-11; col. 3, lines 25-44).

Regarding claims 20-21, Parulski discloses a program and a computer-readable medium comprising: generating order information regarding image data to be printed, to be printed, the order information includes at least the image data to be printed, information indicating a print size of the image data, and information indicating a print quantity of the image data (col. 3, lines 45-59); reading access information indicating a photograph processing agency available to access and an order reception server installed in the photographic processing agency and utilized for directly

accessing the order reception server (col. 3, lines 5-67); and transferring the ordering information to the order reception server installed in the photograph processing agency by directly accessing the order reception server according to the access information (col. 3, lines 5-67); and access information area (col. 3, lines 5-67).

However, Parulski does not explicitly disclose a plurality of photograph processing agencies. Parulski does disclose a digital camera which incorporates or be connected to a wired or wireless modem such as the communication interface. The print order information and the image information needed to fulfill the print order would be transmitted to the service provider along with the account information through the communication network. (Col. 4, lines 9-16) The user can specify the names of downstream service providers (col. 3, lines 7-9). The service providers include a computer and printer (Figure 1B, ref. 14).

Tate, on the other hand, teaches the plurality of photograph processing agencies (numerous service providers, col. 4, lines 58-62; col. 3, line 67 – col. 4, line 2).

Therefore, It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the system and terminal of Parulski, to include plurality of photograph processing agencies and a plurality of reception servers; and time of delivery and status of printing, in order to operate at different locations (Parulski, col. 4, lines 66-67).

Regarding claim 22, Parulski discloses the order terminal is a personal computer connectable to the network and owned by the user for placing the print order (Figure 1A; col. 2, lines 53-54).

Response to Arguments

Applicant's arguments filed March 19, 2007 have been fully considered but they are not persuasive.

Applicants remark pertaining to claims 20 and 21.

Examiner directs Applicants' attention to the Office Action above.

Applicants remark that "Tate does not teach or suggest athe order terminal directly accessing the order reception server installed in a specific photographic agency".

The Examiner does not agree. Parulski was cited for teaching "the order terminal directly accessing the order reception server installed in a specific photograph agency". In col.3, lines 5-11, Parulski discloses the camera (order terminal) which is provided with a software application for running on the user's host PC that enables the user to specify the name(s) of downstream service providers (order reception). Such user specifying a specific name of a service provider by using the camera is considered "the order terminal directly accessing the order reception server installed in a specific photograph agency". In addition, Tate does teach "the order terminal directly accessing the order reception server installed in a specific photographic agency". In col. 6, lines 43-46, Tate discloses the customer may change the location where the order will be fulfilled. Tate also discloses the information for an order that has been selected by the customer is forwarded to the location specified in the email where the order is to be fulfilled (col. 7, lines 38-50). Such order selected by the customer forwarded to a specified location to be fulfilled; and customer able to change the location the order is to

Art Unit: 3627

be fulfilled are considered "the order terminal directly accessing the order reception server installed in a specific photographic agency".

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Thein whose telephone number is 571-272-6764. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ryan Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mtot
June 11, 2007

Michael Cuff 6/11/07

**MICHAEL CUFF
PRIMARY EXAMINER**